


Entered - 3-27-01 - sb  
CL 01L0199 - ALEXIS HOLMES

01- R -1032

CLAIM OF: **TYRUS UNDERWOOD**  
3111 Reserve Drive  
Atlanta, Georgia 30319

For alleged damages sustained as a result of driving over a  
unavoidable pothole in the road on March 9, 2001, at 1277 Lenox  
Park Boulevard.

THIS ADVERSED REPORT IS APPROVED

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

# DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0199

Date: 6/26/01

Claimant /Victim TYRUS UNDERWOOD

BY: (Atty) \_\_\_\_\_

Address: 3111 Reserve Drive, Atlanta, Georgia 30319

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 299.95

Bodily Injury \$ \_\_\_\_\_

Date of Notice: 3/21/01

Method: Written, proper X

Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X

Ante Litem (6 Mo.) X

Date of Occurrence 3/9/01

Place: 1277 Lenox Park Boulevard

Department \_\_\_\_\_

Division: \_\_\_\_\_

Employee involved \_\_\_\_\_

Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges that he sustained vehicular damages when he drove over a unavoidable pothole in the road. However, after investigating this incident, it was determined that the area in which the claimant alleges the incident occurred, is outside the City limits of Atlanta, and is situated in DeKalb County, and is not the responsibility of the City of Atlanta.

## INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Other X Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

## BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_

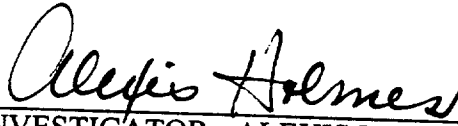
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

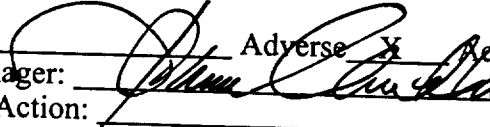
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

## RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 06-26-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK

City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 3/15/2001

H57mw  
03/27/01  
Dm

Dear Municipal Clerk:

ENTERED - 3-27-01 - SB  
01L0199 - ALEXIS HOLMES

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 299.95 + TAX and/or \$ 0.00 bodily injury for which I contend the City is liable.

1. Date of incident: 3/9/2001 2. Time of Incident: 6:30 3. Police called: X  
(month/day/year) Yes No
4. Location of incident (including street address): 1277 LENOX PARK BLVD. (MIDDLE of LENOX PARK BLVD INSIDE LANE)
5. Name of your insurance company: ALLSTATE Policy No. 000162105790046
6. State what and how incident occurred: I WAS HEADED ON LENOX PARK BLVD (AWAY FROM N. DRAUID HILLS RD) ON THE INSIDE LANE AROUND 6:30 PM WHEN I HIT A UNAVOIDABLE pothole DIRECTLY IN FRONT OF 1277 LENOX PARK BLVD. I PULLED OVER TO CHECK THE DAMAGE AND SAW THAT IT BENT MY RIM CAUSING A SLOW LEAK FROM MY TIRE.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).  
Your vehicle: SAAB 1998 (JUST PURCHASED) TYRUS UNDERWOOD  
(Make) (Year) (Tag Number) (Driver's Name)  
City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: BRIAN KAINEL 3111 RESERVE DR (404) 995 9260  
(Name) (Address) (Telephone Number)
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Tyrus Underwood  
Signature of Claimant

TYRUS UNDERWOOD  
(Print Claimant's Name)  
3111 RESERVE DR  
(Address)  
ATLANTA, GA 30319  
(City, State and Zip Code)  
(770) 956-8311 ext 7657 678-595-7523  
(Work Number) (Home Number)

01-R-1032